

Head
Hill
Isbell
Kelley
Lanning
Lemens
Martin
Metcalf
Moffett
Moore
Nelson
Pace
Redditt

Roberts
Shivers
Small
Spears
Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin
Beck
Brownlee
Burns
Collie
Cotten
Graves
Hardin
Head
Hill
Isbell
Kelley
Lanning
Lemens
Martin
Metcalf
Moffett

Moore
Nelson
Pace
Redditt
Roberts
Shivers
Small
Spears
Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

Adjournment

On motion of Senator Collie the Senate at 12:25 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

Reports of Committees on Engrossed and Enrolled Bills

Austin, Texas,
March 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 209 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
March 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 213 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
March 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 39 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 175 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

FORTY-FIRST DAY

(Wednesday, March 22, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin
Beck
Brownlee
Burns
Collie
Cotten
Graves
Hardin
Head
Hill
Isbell
Kelley
Lanning
Lemens
Martin
Metcalf
Moffett

Moore
Nelson
Pace
Redditt
Roberts
Shivers
Small
Spears
Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Nelson submitted the following reports of the Committee on Judicial Districts:

Austin, Texas,
March 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 362, by Felty, et al., A bill to be entitled "An Act amending House Bill No. 309, being Chapter 53, page 101 of the Acts of the Thirty-eighth Legislature, Regular Session (1927) as amended by Senate Bill No. 520, being Chapter 210, page 499 of the Acts of the Forty-fourth Legislature, Regular Session (1935), and subdivisions 37, 45, 57, and 73 of Article 199, Title 8, Revised Civil Statutes of 1925 as amended, fixing the terms and prescribing the jurisdiction of the District Courts of the 37th, 45th, 57th, and 73rd Judicial Districts, providing for the administration of the business of said Courts, providing for the election of special Judges in case of absence, sickness, or inability of the regular Judges to act and preside in the Civil District Courts of Bexar County, Texas; fixing the effective date of the Act and the date of the expiration of the terms of Court then in session; repealing all laws and parts of laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NELSON, Chairman.

Austin, Texas,
March 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 302, by Spears, A bill to be entitled "An Act to amend the law relating to juveniles, Title 82, Revised Civil Statutes, 1925, by adding thereto another paragraph or section to be known as Article 5139B, providing that the judges of the several district courts and criminal district courts, the judges of the county courts at law, and the county judge, in any county of this State having a population of not less than 290,000 nor more than 320,000 according to the last preceding Federal Census, or any county which may hereafter have such population, shall constitute a juvenile board for such county;"

Have had the same under consideration, and beg leave to report our recommendation that it do not pass, but that committee substitute do pass and be printed.

NELSON, Chairman.

Senator Cotten submitted the following report of the Committee on Insurance:

Austin, Texas,
March 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 404, A bill to be entitled "An Act amending Section 1 of Chapter 152, Acts, Regular Session of the Forty-second Legislature relating to fees to be charged and collected by the Board of Insurance Commissioners, so that hereafter said Section 1, which is Article 3920, R. C. S. of Texas shall read as follows, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COTTEN, Chairman.

Relative to Introduction of Senate Bills 403 and 405

Senator Roberts moved that the rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended with respect to Senate Bills Nos. 403 and 405.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Senate Concurrent Resolution 22

Senator Moffett offered the following resolution:

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Wilbarger County; and

Whereas, The City of Vernon and Vernon Independent School District of Wilbarger County anticipates a large number of people attending county school meets to be held in the early summer of this year; and

Whereas, It will be necessary and important to said School District to fence the grounds where said meet will be held; and

Whereas, It would be a great accommodation to said School District if the State Highway Department were permitted to loan said District the discarded wire hereinabove mentioned for the purpose of fencing the grounds; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to loan to the School Board of Vernon Independent School District sufficient quantities of the discarded wire hereinabove mentioned for the purposes as hereinabove set out, said School Board to return wire upon request of the State Highway Department, and it is so resolved.

The resolution was read; and on motion of Senator Moffett and by unanimous consent, it was considered at this time and was adopted.

Senate Concurrent Resolution 23

Senator Moffett offered the following resolution:

Resolved by the Senate, the House of Representatives concurring, That the sum not to exceed Five Hundred (\$500.00) Dollars be paid out of the contingent expense fund of the Forty-sixth Legislature to pay for a suitable portrait of Governor James V. Allred, said portrait to be placed in the rotunda of the Capitol with the portraits of the other Governors of Texas. The portrait may be made by any artist agreeable to Governor James V. Allred, and before said portrait is accepted and placed by the Board of Control, such portrait offered shall be approved by Governor Allred.

Signed—Moffett, Metcalfe, Burns, Nelson, Redditt, Isbell, Graves, Cotten, Winfield, Lemens, Spears, Stone of Galveston, Hardin, Hill, Beck, Head, Roberts, Kelley, Martin.

The resolution was read; and on motion of Senator Moffett and by unanimous consent, it was considered at this time, and it was adopted.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 560, A bill to be entitled "An Act amending Section 3, of Chapter 88, Acts of the Forty-first Legislature, Second Called Session, as amended by Section 1 of Chapter 3, Acts of the Forty-third Legislature, Second Called Session, as amended by Section 1 of Chapter 51, Acts of the Forty-fourth Legislature, Regular Session, so as to exempt motor vehicles, trailers and semi-trailers, owned and used exclusively in the service of any water district or water control and improvement district from the payment of license or registration fees to the State of Texas; repealing all laws in conflict, and declaring an emergency."

H. B. No. 653, A bill to be entitled "An Act to authorize any county, one or more of the boundaries of which is coincident with any part of the International Boundary between the

United States and Mexico, or any county contiguous to any county of such described class, which may have entered into an agreement with the United States to acquire and upon request convey to the United States land or interest in land desired by the United States in aid of navigation, irrigation, flood control or improvement of water courses, and in order to accomplish the purposes specified in Article 5242 of the 1925 Revised Statutes of Texas, upon request of the United States to secure by gift, purchase or by condemnation, said land or interest therein, for ultimate conveyance to the United States and to pay for the same out of any special flood control fund or any available county funds; providing that title shall vest in the county upon the filing of a declaration of taking by the county and the deposit of the amount of the award with the County Clerk, together with costs, if any, and the right to just compensation shall vest in the persons entitled thereto; and provided further, that no appeal nor service of process by publication shall have the effect of suspending the vesting of title in said county, and declaring an emergency."

H. B. No. 600, A bill to be entitled "An Act to amend Subsection 5 of Article 199, Revised Civil Statutes as amended by Chapter 143, Acts, 1937, Forty-fifth Legislature."

H. B. No. 685, A bill to be entitled "An Act to amend Section 22, Acts, 1935, Forty-fourth Legislature, First Called Session, page 1660, Chapter 427, creating the Nueces River Conservation and Reclamation District, and declaring an emergency."

H. B. No. 768, A bill to be entitled "An Act regulating Bills of Exception in civil suits or actions; providing the basis of Bills of Exception, that it shall not be necessary for an objector to formally except to a ruling; that error may be based upon the ruling itself; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 812, A bill to be entitled "An Act providing the amount of traveling and office expenses that shall be allowed by the County Board of Trustees to the County Superintendent of Public Instruction for the expenditures for traveling and office

expenses in certain counties, according to the last preceding Federal Census or any subsequent Federal Census; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only, and declaring an emergency."

H. B. No. 863, A bill to be entitled "An Act making provisions in certain independent school districts in this State, for an election to determine tax rate to be levied for payment of bonds and interests thereon; to determine tax rate for maintenance in such districts; providing for levy of such taxes; providing for aggregate amount of such levy; providing that when the bond tax exceeds the levy of fifty (50c) cents on the One Hundred (\$100.00) Dollar valuation, that the maintenance tax shall be reduced in an amount equal to the sum added to the bond tax; making this Act cumulative of all laws on the statute books in force as of this date, and declaring an emergency."

H. B. No. 868, A bill to be entitled "An Act validating the creation or attempted creation of all consolidated rural high school districts and all acts of the Board of Trustees of such districts in ordering and holding elections, levying taxes, issuing bonds, and all tax assessments and rolls of such districts and all bonds and all other actions by the Boards of Trustees in this connection, providing that this Act shall not apply to districts now involved in litigation, and declaring an emergency."

H. B. No. 872, A bill to be entitled "An Act to enlarge the jurisdiction of the County Court of Marion County, Texas, in criminal cases to enable the County Judge of Marion County, Texas, to accept pleas of guilty in all cases of misdemeanor, and declaring an emergency."

H. C. R. No. 62, Providing for the recall of H. B. No. 379.

H. C. R. No. 63, Expressing sympathy to the family of J. J. Olsen.

H. C. R. No. 64, Naming Miss Eugenia Morse official Duchess of the Legislature in the court of King Cotton.

The House has refused to concur in Senate Amendments to H. B. No. 474 and requests the Senate for the appointment of a Conference Com-

mittee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Messrs. Colson, Broadfoot, Bond, Weldon, Davis of Upshur.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Reports of Standing Committees

Senator Weinert, by unanimous consent, submitted at this time the following reports of the Committee on State Affairs:

Austin, Texas,
March 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 44 by Stinson, Granting permission to Charley Prewitt et al., to bring suit against the State of Texas, etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
March 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 402 by Roberts, A bill to be entitled "An Act granting to all taxpayers in this State discounts for the advance payment of ad valorem taxes due to State and all governmental and political subdivisions and taxing districts of the State as authorized in Section 20, Article 8 of the Constitution of this State adopted August 23, 1937, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 39 by Schuenemann, Granting permission to Mrs. Lourene Woodruff, and husband, Mr. Charles Woodruff, to bring suit against the State of Texas, etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended by Committee Amendment Number One attached hereto and be not printed.

WEINERT, Chairman.

Austin, Texas,
March 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 346 by Brownlee, A bill to be entitled "An Act amending the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session of the Forty-third Legislature by amending Section 10 so as to authorize the District to issue bonds for any corporate purpose providing that the aggregate principal amount of such bonds outstanding at any one time shall not exceed \$25,000,000, and eliminating from Section 10 the provisions with reference to purchase of property of Central Texas Hydro-Electric Company; adding a section to be known as Section 14b authorizing the sale, lease or other disposition to any electric co-operative, municipality, or other governmental agency or body politic and corporate of the State of Texas of any property acquired or constructed by the District and incidental to or used or useful in the generation, production, transmission, distribution or sale of electric energy; authorizing it to pledge the proceeds of any such sale or sales; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 393 by Graves, A bill to be entitled "An Act amending Section 1 of Chapter 5 of the Acts of the Second Called Session of the Forty-third Legislature as amended by Chapter 459, Acts of the Second Called Session of the Forty-fourth Legislature so as to permit the obtaining of funds by the several named governing boards of State educational institutions from sources other than the United States, or agencies thereof; repealing all laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 17 by Boyer et al., A bill to be entitled "An Act providing a title for the Act; providing the definition of certain words, terms, and phrases; providing certain exemptions; providing any one act prohibited herein shall be a violation hereof; providing for the administration of the Act; providing certain procedure for securing real estate dealers' and real estate salesmen's licenses and for certain information to be supplied by applicant; and requiring the recommendation of the applicant by three (3) real estate owners; providing a partnership, association, or corporation licensed under the Act can designate one of its members or officers to be licensed as a real estate dealer without additional charge and imposing certain restrictions; providing any member of partnership or officer of association or corporation not designated required to be licensed before acting as a real estate dealer and imposing certain restrictions; providing for the licensing of nonresident real estate dealers and salesmen and making certain requirements discretionary if nonresident is licensed under the laws of another State; making provision for requisition of information of applicant and vesting Administrator of the Securi-

ties Division of the office of the Secretary of State with power to make rules and regulations connected with application for a license; etc.; providing no action can be maintained in courts to collect commissions for performing certain acts unless one proves he is licensed dealer or salesman; etc.; providing for the payment of salaries of employees and expenses of administration and for disbursement of funds collected under this Act; etc.; making it unlawful to pay commission to one not licensed hereunder; etc.; providing that in the event any provision of this Act is declared void or unconstitutional that remaining provisions shall remain in full force and effect; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 231 by Stone of Galveston, A bill to be entitled "An Act exempting from all State and County ad valorem and occupation taxes certain office buildings of the Texas Congress of Parents and Teachers, providing a saving clause and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator Hill, by unanimous consent, submitted at this time the following report of the Committee on Towns and City Corporations:

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 802, A bill to be entitled "An Act validating proceedings heretofore had by certain cities in Texas,

other than home rule cities, for the issuance of revenue bonds and ad valorem tax bonds for the purpose of procuring funds to construct water-works and sewer systems for such cities, validating the bonds to be issued pursuant to such proceedings and the indentures executed and to be executed as security for such bonds, authorizing the adoption of the proceedings necessary to complete the issuance of such bonds; etc.; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HILL, Chairman.

Senator Van Zandt, by unanimous consent, submitted at this time the following report of the Committee on Civil Jurisprudence:

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 400 by Stone,

Have had same under consideration, and beg leave to report back that it do pass as amended and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 269 by Thornberry,

Have had same under consideration, and beg leave to report back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 718 by Hardeman,

Have had same under consideration, and beg leave to report back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 105 by Howard,

Have had same under consideration, and beg leave to report back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 189 by Van Zandt,

Have had same under consideration, and beg leave to report back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 71 by Van Zandt,

Have had same under consideration, and beg leave to report back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 345 by Brownlee,

Have had same under consideration, and beg leave to report back to the Senate with the recommendation that it do pass and be not printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 61 by Van Zandt,

Have had same under consideration, and beg leave to report back to the Senate with the recommendation that it do not pass.

VAN ZANDT, Chairman.

Senator Sulak, by unanimous consent, submitted at this time the following report of the Committee on Agriculture:

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 368 by Kelley, A bill to be entitled "An Act to amend Sections one (1), two (2), three (3), four (4), six (6), twelve (12), twenty-one (21), twenty-two (22), and to repeal Sections five (5), seven (7), fourteen (14) and eighteen (18) of an Act relating to the bonding and licensing of dealers in citrus fruit in the State of Texas and being H. B. No. 99 of the Acts of the Forty-fifth Legislature as amended by Senate Bill No. 24, of the Acts of the First Called Session of the Forty-fifth Legislature, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Senator Hardin, by unanimous consent, submitted at this time the following report of the Committee on Counties and County Boundaries:

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 660, A bill to be entitled "An Act providing the salary of coun-

ty superintendents of public instruction in certain counties according to the last preceding Federal Census or any subsequent Federal Census, and according to area in square miles of such counties, repealing all laws and parts of laws in conflict, to the extent of the conflict only; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

HARDIN, Chairman.

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 817, A bill to be entitled "An Act amending Article 6869, Revised Civil Statutes of Texas of 1925, as amended by Acts, 1929, Forty-first Legislature, First Called Session, Page 283, Chapter 113, Section 1, by adding a new section thereto, to be known as Article 6869b; providing for the number of deputy sheriffs in counties having a population of less than twenty thousand (20,000), according to the last preceding Federal Census, and having a property valuation in excess of One Hundred Million Dollars (\$100,000,000), according to the approved State and County Tax Rolls for the preceding year; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

HARDIN, Chairman.

House Concurrent Resolution 62

The following resolution, received from the House today, was laid before the Senate and was read:

H. C. R. No. 62, Recalling H. B. No. 379 for correction.

On motion of Senator Brownlee and by unanimous consent, the resolution was considered at this time and was adopted.

House Concurrent Resolution 64

The following resolution, received from the House today, was laid before the Senate and was read:

H. C. R. No. 64, Naming Miss Eugenia Morse official Duchess of the Legislature in the Court of King Cotton.

On motion of Senator Moore, and by unanimous consent, the resolution was considered at this time, and was adopted.

House Bills on First Reading

The following bills, received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 560, to Committee on Highways and Motor Traffic.

H. B. No. 653, to Committee on Civil Jurisprudence.

H. B. No. 600, to Committee on Judicial Districts.

H. B. No. 685, to Committee on Mining, Irrigation and Drainage.

H. B. No. 768, to Committee on Civil Jurisprudence.

H. B. No. 812, to Committee on Education.

H. B. No. 863, to Committee on State Affairs.

H. B. No. 868, to Committee on Education.

H. B. No. 872, to Committee on Criminal Jurisprudence.

Relative to Consideration of Committee Substitute for Senate Bill 2

The President, at this time, overruled the point of order raised by Senator Nelson on Thursday, March 16, 1939, against consideration of the motion of Senator Roberts to adopt the minority report on Committee Substitute S. B. No. 2 in lieu of the majority report on the bill, and submitted his ruling in writing as follows:

Senator Kelley introduced S. B. No. 2 and the same was referred to the Committee on Highways and Motor Traffic. That committee adopted a committee substitute in lieu of S. B. No. 2. The substitute is a complete bill within itself, including caption and emergency clause. After the substitute was adopted in lieu of the orig-

inal bill the committee then reported it back to the Senate with the recommendation that it do not pass. The sponsors of the bill in due time filed a minority report in compliance with the provisions of rule No. 99-b. Senator Roberts then moved to substitute the minority report for the majority report. Senator Nelson raises the point of order that the motion of Senator Roberts is out of order because the House has previously killed H. B. No. 14 which, in substance, was identical with S. B. No. 2.

Certain questions of fact are involved in a consideration of this point of order. These will be disposed of as follows:

The Senate has been officially advised that the House refused to print H. B. No. 14 on minority report. This is equivalent to a defeat of the bill. An examination of S. B. No. 2 reveals that it is almost word for word the same as H. B. No. 14 and therefore the two should be treated as identical bills.

Section 34 of Article 3 of our Constitution provides:

"After a bill has been considered and defeated by either House of the Legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated, no resolution containing the same substance, shall be considered at the same session."

The word substance is defined to be "the real or essential part of anything". As a matter of fact the provisions of H. B. No. 14 and S. B. No. 2, as introduced in the House and Senate respectively, are in substance the same, and further consideration of S. B. No. 2, by the Senate, is prohibited by the terms of the constitutional provision above quoted.

The precise question, however, which is involved in the motion of Senator Roberts is that the Senate shall consider the committee substitute for S. B. No. 2.

The opinion of the Chair is that the committee substitute for S. B. No. 2 is essentially different from the original bill and, therefore, is not the same in substance. Original S. B. No. 2 sought to legislate on the subject of regulating the amount and character of tonnage which may be transported on any motor vehicle on certain public highways. Among other things it seeks to provide a load limit of not exceeding 12,000 pounds

on vehicles with two axles or less, and a load limit not exceeding 20,000 pounds on vehicles with three axles or more, and then seeks to confer certain regulatory powers on the State Highway Commission.

The committee substitute seeks to provide a load limit not exceeding 10,000 pounds without any reference to the number of axles. It also seeks to confer certain regulatory powers on the Highway Department. In addition thereto it seeks to prohibit the transportation of more than fourteen (14) bales of cotton in a vehicle unless the same has been compressed to meet the requirements sought to be provided. The provisions of the substitute, in the opinion of the Chair, are clearly different from the provisions of original S. B. No. 2 and are not the same in substance.

This conclusion is supported by the following authority: In Hinds' Precedent, Volume 4, Paragraph 3384, it was held that a bill for the support of the army with a provision relating to the use of troops in Kansas and which had been defeated, was not in substance the same as a bill for the support of the army, identical with the original bill, except that the provision for the use of troops in Kansas was omitted. The Speaker said:

"One bill introduced at this session of Congress has been defeated, but the bill embraced by the resolution before the House differs from that bill in the very material manner of wanting the proviso, which is the subject-matter of controversy between the two Houses. The language of the Manual read by the gentleman—that a bill once rejected, another of the same substance can not be brought in—refers to the provisions of a bill, and not to bills on the same subject. The Chair is of the opinion that the resolution is in order."

This precedent was followed in the ruling cited in Cannon's Precedents, Volume 7, Paragraph 1049.

This is supported by the decision of the Austin Court of Civil Appeals in the case of King vs. Terrell, 218 SW 42. In that case it appears that H. B. No. 21 had been killed and the quoted provision of the bill sought to fix the salaries of District Judges at \$3,600.00 per year. It was alleged that this defeated bill was the same in substance as S. B. No. 32 which was enacted by the same Legislature, in so far as it related to the salaries of District Judges. The enacted bill

fixed the salary at \$4,000.00 per year. The Court said:

"It is claimed by appellee that the difference of \$400 in the amount of salary to be paid makes the two bills of different substance within the meaning of the Constitution. If there had been only a difference of \$1 or \$10, or other unsubstantial amount, we think the two bills would have been of the same substance. Without stating what the members of this court think about the alleged difference of \$400, it may be conceded, for purposes of this opinion, that this raises a question about which there might arise a genuine cleavage of opinion in the minds of reasonable men; but if this difference of \$400 is such as to cause a reasonable divergence of view, then, clearly, if the members of the Legislature thought the two bills were not of the same substance, the courts ought not to interfere, even if in any event they have jurisdiction to do so."

And further the Court said:

"Appellee argues that the Legislature has found as a fact that the two bills were not the same in substance, and, as above indicated, we are of the opinion that the Legislature was justified in so finding; but if it should be conceded that the petition shows two bills of the same substance, then we think, when it is conceded that the Legislature was lawfully in session and has the inherent right to legislate upon the question of fixing the salaries of the judges, the courts should and will presume that the Legislature, having this general power to enact the law, had not previously incapacitated itself from so doing, and they will not suffer this presumption to be rebutted."

It appears to the Chair, from the authorities cited, that the committee substitute is not the same in substance as S. B. No. 2 and does not come within the terms of Section 34 of Article 3, if effect be given to Senate rule No. 99-b which confers on the committee the authority to adopt a committee substitute for the pending bill. The Chair thinks effect must be given to this Senate rule. The power is inherent in a legislative body to formulate rules for its procedure. The Senate of Texas can adopt any rule of procedure which is not in conflict with the constitution. In addition to this inherent and necessary power, Section 11 of Article 3 of the constitution expressly pro-

vides that each House may determine the rules of its own proceedings. Section 37 of Article 3 provides that no bill shall be considered, unless it has been first referred to a committee and reported thereon.

The Senate has adopted a number of rules with reference to the consideration of bills by committees. The rules provide for minutes of committee meetings to be kept, for committee hearings, for executive sessions of committees, for the manner of maintaining a quorum in the committees, for filing reports of committees, etc. Among the number of rules governing committee action is found rule number 99-b. This rule provides for the adoption of a committee substitute and if such substitute is adopted the same shall be reported back to the Senate in lieu of the original bill. The original bill, for which the substitute was adopted, shall be dead unless reported to the Senate and handled under the same procedure as therein provided for minority reports. The substitute, when reported back to the Senate, takes the same procedure as an original bill, and no action is required on the part of the Senate to confirm the substitution made by the committee.

The adoption of this rule is clearly authorized by Section 11 of Article 3, unless the same violates some other constitutional provision. The adoption of rules by which to govern the proceedings of the Senate is not only authorized by Section 11 of Article 3 but the same is absolutely necessary for the orderly enactment of legislation. Certainly the authority conferred by Section 11 would not permit the Senate to adopt a rule which would permit the passage of bills on one reading because another section of the constitution requires that bills be read on three several days, unless in case of an emergency and in such case the rule can be suspended by a four-fifths vote of the House in which the bill may be pending. With equal certainty the Senate could not adopt a rule which would authorize legislation by resolution, because another section of the constitution provides that no law shall be passed except by bill, and another provision requires an enacting clause and the enacting clause is set forth in plain and explicit language. Likewise the Senate could not adopt a rule which would permit several subjects of legislation to be embraced in the same

bill for the reason that we have a constitutional provision which provides that no bill shall contain more than one subject, which shall be expressed in its title.

So long, however, as the rules adopted do not contravene some constitutional provision they are clearly within the authority of Section 11, which expressly authorizes each House of the Legislature to determine the rules of its own proceedings.

Section 99-b of the rules of the Senate contravenes no provision of the constitution. It provides a method of consideration of bills by a committee which includes the adoption of a substitute bill. The committee substitute for Senate Bill No. 2 is in conformity with the rule. It is in itself a complete bill having a caption, an enacting clause, the provisions sought to be enacted into law, and an emergency clause. It complies with all other rules of the Senate and with the constitutional provisions so far as its form is concerned.

The argument is advanced, however, that since it is in fact different in substance from the original Senate Bill No. 2, that its adoption would be precluded by Section 30 of Article 3 which provides:

"No law shall be passed, except by bill, and no bill shall be so amended in its passage through either House, as to change its original purpose."

The Chair is of the opinion, however, that this contention is not well founded. The purpose of Senate Bill No. 2 is to legislate on the subject of regulating the amount and character of tonnage which may be transported on motor vehicles over certain public highways of the State.

The question here presented does not arise under Section 35 of Article 3, *supra*, providing that no bill, except general appropriation bills, "shall contain more than one subject which shall be expressed in its title." It may be assumed that Senate Bill No. 2, in its original form, and the committee substitute, are both on the same subject.

Subjects may be broad or narrow. A bill might be introduced on a tax subject with a caption broad enough to include a modification of every tax law now on the statute books, property taxes, occupation taxes, franchise taxes, etc. For example, if the caption should read:

"A bill to be entitled 'An Act to better provide for the support of our

State Government and to provide funds for the carrying on of all its activities by amending," (then specifying the various statutes to be amended), etc., it might validly propose a change of the entire taxing system of the State as reflected in existing law. The bill would cover but one subject, expressed in its title, that is, a complete revision of the taxing system. It would logically follow that amendments which were germane to the subject would be in order.

But there is a distinction between the subject to which a bill relates and the purpose of the bill in legislating about that subject. The purpose of a bill has reference to the manner in which the subject of the bill is covered. Any bill proposing any tax relates to the general subject, taxation. But that does not mean that where the bill proposes a tax of a special nature, particularly described, its purpose is not changed by including, through amendment, other taxes of an entirely different character.

There are no Texas decisions construing Section 30 of Article 3, supra. This is because the Texas courts refuse to go behind enrolled bills and consider objections to legislative procedure that can be determined only by examining the journals. *Jackson vs. Walker*, 49 S. W. (2d), 693. But the unwillingness of the courts to look to the journals and determine such objections abates nothing from the mandatory duty of the legislators themselves to see to it that these provisions of the Constitution are respected and enforced. In fact, since the members of the Legislature are vested with exclusive power to enforce these procedural requirements, their duty is the more compelling. With the power goes the responsibility.

The fact that there is no protection in the courts against the violation of the constitutional provision which prohibits changing the purposes of bills makes it imperative that a presiding officer, as well as legislators, strictly construe the rule and use due precaution in the consideration of the germaneness of an amendment.

"Whether one proposition is germane to another proposition or not, or whether one amendment is germane to another amendment or not, are questions which arise during a session probably more often than any others. Each case has to be decided on its own merits.

59 C. J., page 554, states the rule thus:

"(b) Constitutional Restrictions. * * * A constitutional provision that a bill shall not be so altered or amended, in the course of its enactment, as to change its original purpose, is not to be so construed as to prevent the introduction of matter merely extending the purpose or scope of operation of the bill, or limiting the same, or the substitution of a measure or insertion of amendments having the same purpose as the original or germane to and within the scope of the original; and a bill thus limited and extended by the amendments of the two houses in its scope or purpose, or otherwise amended, but embracing no matter not germane to the original purpose or the subject of legislation as expressed in the title of the Act which it purports to amend, may become a valid law. Also, such a restriction should not be so embraced as to prevent the substitution for a bill which is essentially amendatory in character of another related to the same subject and having the same general effect upon existing laws, although some changes may be proposed by the substitute which would not have resulted from the passage of the original. The 'purpose' contemplated in such a constitutional provision is the general purpose of the bill, and not the mere details through which and by which that purpose is manifested and effectuated. Such a constitutional provision should be given a reasonable construction so as not unnecessarily to embarrass proper legislation. An amendment which is related to, and tends to aid in, the general object of the Act indicated in the title, or made for the purpose of curing the defective expression of a bill and to give effect to its only inferable purpose, or which states or changes the time when the Act shall take effect, does not change the scope or object of the bill or violate the constitutional provision. An amendment which changes the original purpose of the bill it inhibited by the constitutional provision."

It has been well said that Constitutions "deal with large subjects and in broad terms," and it is never proper to whittle away by mere construction the comprehensive language contained in constitutional provisions.

Mr. Justice Story in his work on the Constitution, Section 454, has this to say:

"Constitutions are not designed for metaphysical or logical subtleties, for niceties of expression, for critical propriety, for elaborate shades of meaning, or for the exercise of philosophical acuteness or judicial research. They are instruments of a practical nature, founded on the common business of human life, adapted to common wants, designed for common use, and fitted for common understandings. The people make them, the people adopt them, the people must be supposed to read them, with the help of common sense, and cannot be presumed to admit in them any recondite meaning or any extraordinary gloss."

Judge Cooley in his work on Constitutional Limitations, (7 ed.), page 93, says:

"Narrow and technical reasoning is misplaced when it is brought to bear upon an instrument framed by the people themselves, for themselves, and designed as a chart upon which every man, learned and unlearned, may be able to trace the leading principles of government."

Considering all of the rules laid down by the authorities cited, the Chair is of the opinion that the committee substitute for S. B. No. 2 does not violate Section 30 of Article 3, supra.

This question then would logically follow: If the committee substitute for S. B. No. 2 does not violate Section 30 of Article 3, and if, in fact, it is sufficiently different from the original bill to escape the condemnation of Section 34, what would its status be if the Senate should adopt the minority report?

The Chair considers the answer to this question to be found in Senate Rule 49, which reads:

"When a committee shall report an original bill, such bill shall be read with the report, and shall be endorsed by the Secretary as having been read the first time."

Undoubtedly, the purpose of the constitutional requirement that bills be read on three several days, is to give notice to all concerned and to allow free discussion thereon. There is no requirement that the first reading of a bill shall precede committee action. It may logically follow such action. It is a matter clearly in the wisdom of the Senate and to be determined by its own rules of procedure.

It has long been the rule that a bill is placed on first reading when presented in the Senate by its author. Senate Rule 49, supra, authorizes a committee to report an original bill and such bill is placed on first reading when the committee report is presented to the Senate.

It necessarily follows that the point of order raised by Senator Nelson should be overruled.

In making this decision the chair is mindful of the fact that there should be a finality when either House has once considered a proposition; that a similar proposition, in substance the same, should not be in order during the same session. On the other hand the Chair must construe the rules as they are written and in accordance with the facts to which they are to be applied. Many of the precedents show that points of order of this nature are submitted to the legislative body for its determination. No less an authority than the illustrious and renowned Speaker of the House in Congress, Joseph G. Cannon, declined to rule upon a similar point of order. He passed the question to the House for its determination after making the following statement: (Cannon's Precedents, Vol. 7, Paragraph 1049).

"Now, while the Chair is in full harmony with the provision cited from Jefferson's Manual forbidding the bringing in again of a bill the same in substance as one already decided adversely during the session, yet the Chair is not unmindful of the decision made by Mr. Speaker Banks in 1856, touching the Army appropriation bill. In that case there was a 'rider' put upon the bill touching the use of money appropriated in that bill in enforcing the so-called (as the Chair recollects) Le Compton constitution of Kansas. The bill failed through disagreement of the House and Senate. A new bill was proposed with the 'rider' omitted, and Mr. Speaker Banks ruled that the provision in Jefferson's Manual did not apply to the new bill. It is not for the Chair to criticize that ruling, because there was no appeal from the same. But the Chair is quite aware that touching appropriations bills and bills of general importance, if a bill should fail because of a certain single provision which might cause disagreement between the Houses, and if it should be necessary to introduce a new bill without the provision to which there

had been disagreement, and if it should be a close question as to whether the new bill was substantially the same as the old bill, the Chair, if he were to assume decision of the question as to substance, might, in effect, put himself in the position of negating the consideration of the bill or deciding affirmatively in favor of its consideration. So that under this condition, the Chair, after having examined the various precedents and the practice of the House differing upon various methods of procedure under the rules, recognizing the importance of there being finality where the House has once acted but recognizing also the importance of not making a decision that if acquiesced in may bind the hands of the House in matters of very great importance, the Chair believes it is better to submit this question of order to the House, as to whether this bill is substantially the same as the bill which was rejected a week ago today."

The Chair here is perfectly willing to pass this question to the Senate for its determination. On the other hand the occupant of this Chair has never shirked the responsibility of making the first decision, subject to appeal always, and without any desire to be dictatorial. He is actuated by the sole desire to do his duty without attempting to dodge the issue. The Chair will decide the point of order by respectfully overruling it.

Question then recurred—Shall the motion of Senator Roberts to adopt the minority report on C.S.S.B. No. 2 in lieu of the majority report prevail?

Senator Nelson moved the previous question on the motion of Senator Roberts, and the motion for the previous question was duly seconded.

Question—Shall the main question be now ordered?

Yeas and nays were demanded, and the Senate refused to order the main question at this time by the following vote:

Yeas—14

Beck	Shivers
Brownlee	Spears
Collie	Stone
Cotten	of Galveston
Graves	Stone
Isbell	of Washington
Lemens	Sulak
Nelson	Van Zandt

Nays—15

Aikin	Moffett
Hardin	Moore
Head	Pace
Hill	Redditt
Kelley	Roberts
Lanning	Weinert
Martin	Winfield
Metcalf	

Absent

Burns	Small
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Yeas and nays were demanded on the motion of Senator Roberts, and the motion was lost by the following vote:

Yeas—12

Brownlee	Metcalf
Burns	Redditt
Head	Roberts
Kelley	Spears
Lanning	Weinert
Martin	Winfield

Nays—19

Aikin	Nelson
Beck	Pace
Collie	Shivers
Cotten	Small
Graves	Stone
Hardin	of Galveston
Hill	Stone
Isbell	of Washington
Lemens	Sulak
Moffett	Van Zandt
Moore	

Senator Stone of Galveston moved to reconsider the vote by which the motion was lost.

On motion of Senator Stone of Washington, the motion to reconsider was tabled.

House Bill 407 on Passage to Third Reading

(Special Order)

The President laid before the Senate, as a special order for this hour, on its passage to third reading (the bill having been read second time on yesterday):

H. B. No. 407, A bill to be entitled "An Act to provide for the issuance of certificates of title covering motor vehicles and their parts, with certain specified exceptions, so as to disclose ownership and encumbrances; defining the terms 'motor vehicle', 'lien', 'owner', 'mortgagee', 'mortgagor', 'first sale', 'subsequent sale', 'new car', 'used car', 'person', 'hereafter',

'receipt', 'stolen and converted', 'concealed motor vehicle', 'manufacturer', 'importer', 'distributor', 'dealer', 'motor number', 'serial number', 'manufacturer's certificate', 'importer's certificate', 'certificate of title', 'department', and 'designated agent'; placing the administration and enforcement of the law in the Department of Public Safety, and providing its rights and duties in respect thereto; authorizing the said Department to prescribe necessary forms, and to make rules necessary to effectuate the law; etc., and declaring an emergency."

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 407, line 21, by adding after the word "department" in line 60, page 8, the following: "provided, however, this shall not apply to automobiles which were purchased new prior to January 1, 1936."

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 407, line 21, by striking out the word "either" and by striking out the words "or the department" and by striking out all of sub-section (B) lines 27 and 28.

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 407, page 8, Section 62, by striking out the words and figures "ten dollars" and substitute in lieu thereof "one dollar" and after the word "offense" by striking out all after said word down and through "violation" in line 48.

Senator Brownlee moved the previous question on the amendment and the passage of the bill to third reading, and the motion was not seconded.

Senator Small moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—18

Brownlee	Kelley
Collie	Lemens
Cotten	Martin
Graves	Metcalfe
Isbell	Moffett

Moore
Nelson
Redditt
Small
Spears

Stone
of Galveston
Van Zandt
Winfield

Nays—12

Aikin
Beck
Burns
Hardin
Head
Hill
Lanning

Roberts
Shivers
Stone
of Washington
Sulak
Weinert

Absent

Pace

Senator Moffett offered the following amendment to the bill:

Amend H. B. No. 407 by striking out "Ten (\$10.00)" and substituting "One (\$1.00)" in line 44.

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 407, page 8, Section 57, by striking out all of said section.

Question—Shall the amendment be adopted?

Recess

On motion of Senator Moffett, the Senate, at 12:05 o'clock p. m., took recess to 2:00 o'clock p. m. today.

Afternoon Session

The Senate met at 2:00 o'clock p. m., and was called to order by the President.

Reports of Standing Committees

Senator Spears, by unanimous consent, submitted at this time the following report of the Committee on Criminal Jurisprudence:

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 388 by Kelley, A bill to be entitled "An Act providing that in all cases where two or more defendants are jointly indicted, the right of severance and to separate trials shall be vested in the discretion of the

Court; providing for the repeal of all laws or parts of laws in conflict herewith,"

Have had the same under consideration and I am instructed to report our recommendation that it do not pass, but that committee substitute do pass and be printed.

SPEARS, Chairman.

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 387 by Kelley, A bill to be entitled "An Act providing for the method of summoning a special venire in capital cases; providing that the veniremen may be summoned by the mailing of postal cards by the sheriff after their selection as now provided by law;"

Have had the same under consideration and I am instructed to report our recommendation that it do not pass, but that committee substitute do pass and be printed.

SPEARS, Chairman.

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 223 by Hill, A bill to be entitled "An Act to amend Article 438 of the Penal Code of the State of Texas, 1925, so as to provide that the nepotism law shall not apply in cases where the person employed or working has been so engaged and actually serving at least two years prior to the election of any officer related to the person thus affected; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SPEARS, Chairman.

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 769 by Robinson and Thornton, A bill to be entitled "An Act to amend Article 326 of the Penal Code of the State of Texas, and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SPEARS, Chairman.

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 55 by Lanning, A bill to be entitled "An Act to amend Article 1055 of the Code of Criminal Procedure of Texas; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SPEARS, Chairman.

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 381 by Anderson and Reader of Bexar, A bill to be entitled "An Act amending Article 200, Title 6, Chapter 2 of the Penal Code of the State of Texas, 1925, making it unlawful to give out any poll tax receipt, or Certificate of Exemption in blank, to issue any poll tax receipt, or Certificate of Exemption in blank, or to deliver any poll tax receipt or Certificate of Exemption to any fictitious person; fixing a penalty therefor; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SPEARS, Chairman.

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 267 by Holland, A bill to be entitled "An Act to amend Section 22a of Article 734a of the Penal Code of the State of Texas, 1925, regarding the venue of appeals from the order of the State Board of Barber Examiners; repealing all laws in conflict; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SPEARS, Chairman.

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 339 by Martin, A bill to be entitled "An Act amending Articles 650, 654, 710, and 711 of the Code of Criminal Procedure of the State of Texas, as adopted by the Thirty-ninth Legislature of Texas in the year 1925; amending Articles 81 and 82 of the Penal Code of the State of Texas, as adopted by the Thirty-ninth Legislature of Texas in 1925,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SPEARS, Chairman.

Senator Weinert, by unanimous consent, submitted at this time the following report of the Committee on State Affairs:

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 468, A bill to be entitled "An Act authorizing and empowering the Commissioners' Courts in counties having a population of less than

twenty thousand (20,000), according to the last preceding Federal Census and a property valuation of more than One Hundred Million Dollars (\$100,000,000), according to the last approved county tax rolls, to enter into a contract and agreement with the governing bodies of municipalities within said counties for the purpose of furnishing fire protection in such counties outside of the corporate limits of said municipalities and to make appropriations for paying municipalities for such services; making the Act cumulative; providing a saving clause; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WEINERT, Chairman.

Senator Nelson, by unanimous consent, submitted at this time the following report of the Committee on Judicial Districts:

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 835, by Smith, A bill to be entitled "An Act to amend Subsection 8 of Article 199 of the Revised Civil Statutes of Texas of 1925; and providing an effective date,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NELSON, Chairman.

Senator Hardin, by unanimous consent, submitted at this time the following reports of the Committee on Counties and County Boundaries:

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 657, A bill to be entitled "An Act providing the amount of salaries for the First Assistant to the Tax Assessor and Collector in cer-

tain Counties; providing for the salaries of Cashiers of such Assessor and Collector; providing for the salaries of all other Assistants and Deputies to such an officer; repealing all laws in conflict therewith to the extent of such conflict only; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

HARDIN, Chairman.

Austin, Texas,
March 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 559, by Bundy, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not less than seventy-four thousand (74,000) and not more than seventy-six thousand (76,000), according to the last preceding United States Census and not less than Forty-one Million (\$41,000,000) Dollars and not more than Forty-five Million (\$45,000,000) Dollars taxable valuation, according to the last available tax roll to allow each County Commissioner in such counties certain expenses for traveling and in connection with the use of his automobile on official business requiring each such Commissioner to pay the expenses of operation and repair of each automobile used by him without further expense to the county, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

House Bill 660 on Second Reading

On motion of Senator Hill and by unanimous consent, Senate rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of H. B. No. 660 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 660, A bill to be entitled "An Act providing the salary of County Superintendents of Public Instruction in certain counties, according to the last preceding Federal Census or any subsequent Federal Census, and according to area in square miles of such counties; repealing all laws and parts of laws in conflict, to the extent of the conflict only, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 660 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 660 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Beck	Metcalf
Brownlee	Moffett
Burns	Moore
Collie	Nelson
Cotten	Pace
Graves	Redditt
Hardin	Roberts
Head	Shivers
Hill	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	

Stone
of Washington
Sulak

Van Zandt
Weinert
Winfield

House Bill 607 on Second Reading

On motion of Senator Pace and by unanimous consent, Senate rule 31a was suspended, and the regular order of business was suspended, to permit consideration of H. B. No. 607 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 607, A bill to be entitled "An Act amending H. B. No. 72, Chapter 39, page 83, Section 4 of the General and Special Laws of the Forty-second Legislature, First Called Session, 1931; providing for manner of paying salaries for rural school supervisors in Van Zandt County, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 607 on Third Reading

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 607 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

House Bill 430 on Second Reading

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 430 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 430, A bill to be entitled "An Act ratifying and confirming, subject to the consent and approval of the Congress of the United States, an agreement and compact between the States of New Mexico and Texas, pertaining to the construction and maintenance of the Alamogordo Reservoir upon the Pecos River in the State of New Mexico, and providing for agreement on the part of the State of New Mexico pertaining to the use of the waters of the Pecos River, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 430 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 430 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Cotten
Beck	Graves
Brownlee	Hardin
Burns	Head
Collie	Hill

Isbell	Shivers
Kelley	Small
Lanning	Spears
Lemens	Stone
Martin	of Galveston
Metcalf	Stone
Moffett	of Washington
Moore	Sulak
Nelson	Van Zandt
Pace	Weinert
Redditt	Winfield
Roberts	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

House Bill 266 on Second Reading

On motion of Senator Redditt and by unanimous consent, Senate rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of H. B. No. 266 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 266, A bill to be entitled "An Act to amend subdivision 2 of Article 199 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 128, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 341, Acts of the Forty-second Legislature, Regular Session; (to change and prescribe the time for holding court in the Second Judicial District of Texas) and the length and duration of the terms of court therein; to conform all writs and processes of said court to such changes and make all writs and proc-

esses issued prior to the effective date of this Act and served prior or subsequent to said effective date, returnable to the terms of court in the several counties in said district as herein provided; to provide for the continuing validity of all bonds and recognizances executed and entered into prior to the effective date of this Act; to validate the summoning of grand and petit juries under existing law and render them available under the provisions of this Act; to repeal all laws and parts of laws in conflict herewith; and to provide for the effective date of this Act."

The bill was read second time.

Senator Redditt offered the following amendments to the bill:

(1)

Amend H. B. No. 266 by striking out all below the enacting clause and inserting in lieu thereof the following:

An Act to amend sub-division 2, Article 199 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 128, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 341, Acts of the Forty-second Legislature, Regular Session, so as to hereinafter read as follows:

Section 1. The Second Judicial District of the State of Texas shall be composed of the Counties of Angelina, Cherokee and Nacogdoches and from and after the effective date of this Act the terms of the District Court in and for the several Counties constituting said Second Judicial District shall be begun and holden therein as follows:

Cherokee County. First term, beginning the first Monday in January and may continue in session five weeks; second term, beginning on the fifteenth Monday after the first Monday in January and may continue in session five weeks; third term beginning on the thirty-fourth Monday after the first Monday in January and may continue in session five weeks.

Nacogdoches County. First term, beginning on the fifth Monday after the first Monday in January and may continue in session five weeks; second term, beginning on the twentieth Monday after the first Monday in January and may continue in session five weeks; third term, beginning on the thirty-ninth Monday after the first Monday in January and may continue in session five weeks.

Angelina County. First term, beginning on the tenth Monday after the first Monday in January and may continue in session five weeks; second term, beginning on the twenty-ninth Monday after the first Monday in January and may continue in session five weeks; third term, beginning on the forty-fourth Monday after the first Monday in January and may continue in session five weeks.

Sec. 2. All processes and writs, both civil and criminal, issued out of the District Court of any County of the Second Judicial District prior to the effective date of this Act and returnable to any term of such Court to convene after December 31, 1939, shall be made returnable to the first term of such Court convening as provided herein; and all processes and writs which shall have been issued prior to the effective date of this Act and which shall have been served prior to its effective date or which may be served subsequent thereto, and returnable to any term of the District Court of any one of the Counties of said Judicial District as heretofore fixed by law, are hereby made returnable to the first term of the District Court of each said Counties in accordance with the provisions of this Act; and all bonds, both civil and criminal, which have been heretofore executed and recognizances entered into in said Court shall be in all things legal and valid as though no change had been made in the date of convention of the terms of Court in said Counties, and they shall bind the parties to appear and to fulfill the obligations of such bonds and recognizances at the terms of the District Court of said Counties as fixed and prescribed herein; and all grand and petit jurors drawn and selected under existing laws for any of the Counties of said District for a term of the District Court thereof to convene after the effective date of this Act are hereby declared lawfully and legally drawn and selected for the first term of the District Court of the respective Counties to be held in accordance with the provisions of this Act.

Sec. 3. All pleadings and motions of every character filed in the District Court of any of said Counties shall be filed in duplicate, one copy of which shall be marked "original," and the other shall be marked "duplicate," but the clerk shall be entitled to only one filing fee for filing both. The original pleading or motion shall remain at all times in the office of the

District Clerk of such County, or in his custody, or in the Court, provided, however, that the Court may, by an order entered upon the minutes, allow the original pleading or motion to be withdrawn for a limited time whenever necessary, upon the condition that a certified copy thereof be left on file. The party desiring to withdraw such pleading or motion shall pay the cost of such order and of the certified copy of such pleading or motion.

Sec. 4. All laws and parts of laws in conflict with the provisions of this Act shall be and the same are hereby in all things repealed.

Sec. 5. This Act shall take effect and be in force from and after the 31st day of December, 1939, and it is so enacted.

(2)

Amend H. B. No. 266 by striking out all above the enacting clause and inserting in lieu thereof the following:

A BILL

To Be Entitled

"An Act to amend sub-division 2 of Article 199 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 128, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 341, Acts of the Forty-second Legislature, Regular Session; to change and prescribe the time for holding Court in the Second Judicial District of Texas and the length and duration of the terms of Court therein; to conform all writs and processes of said Court to such changes and make all writs and processes issued prior to the effective date of this Act and served prior or subsequent to said effective date, returnable to the terms of Court in the several Counties in said District as herein provided; to provide for the continuing validity of all bonds and recognizances executed and entered into prior to the effective date of this Act; to validate the summoning of grand and petit juries under existing law and render them available under the provisions of this Act; to repeal all laws and parts of laws in conflict herewith; and to provide for the effective date of this Act.

The amendments were adopted severally.

The bill was passed to third reading.

House Bill 266 on Third Reading

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 266 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

House Bill 407 on Passage to Third Reading**(Special Order)**

The Senate resumed consideration of pending business, same being H. B. No. 407, requiring certificates of title for motor vehicles, on its passage to third reading, with amendment by Senator Burns pending.

Senator Small moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—21

Brownlee	Moore
Collie	Nelson
Cotten	Pace
Graves	Redditt
Head	Roberts
Hill	Small
Isbell	Spears
Lemens	Stone
Martin	of Galveston
Metcalf	Van Zandt
Moffett	Winfield

Nays—7

Aikin	Lanning
Beck	Shivers
Burns	Sulak
Hardin	

Absent

Kelley	Weinert
Stone	
of Washington	

Senator Lemens offered the following amendment to the bill:

Amend H. B. No. 407, page 8, lines 21 and 22, by changing the language to read as follows: "in the preceding two years."

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 407, page 5, line 48, by adding the following after the word "department": "provided that nothing herein shall affect the sale of used parts for automobiles when sold as such."

The amendment was adopted.

Senator Moore moved the previous question on the passage of the bill to third reading, and the main question was ordered.

The bill then was passed to third reading.

House Bill 407 on Third Reading

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 407 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moffett
Brownlee	Moore
Collie	Nelson
Cotten	Pace
Graves	Redditt
Head	Roberts
Hill	Shivers
Isbell	Small
Kelley	Spears
Lanning	Stone
Lemens	of Galveston
Martin	Van Zandt
Metcalfe	Winfield

Nays—4

Beck	Hardin
Burns	Sulak

Absent

Stone	Weinert
of Washington	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

On motion of Senator Van Zandt and by unanimous consent, the caption was ordered amended to conform to the body of the bill.

The bill was passed by the following vote:

Yeas—23

Aikin	Moffett
Brownlee	Moore
Collie	Nelson
Graves	Pace
Head	Redditt
Hill	Roberts
Isbell	Small
Kelley	Spears
Lanning	Stone
Lemens	of Galveston
Martin	Van Zandt
Metcalfe	Winfield

Nays—6

Beck	Hardin
Burns	Shivers
Cotten	Sulak

Absent

Stone	Weinert
of Washington	

Senate Concurrent Resolution 24

Senator Van Zandt, by unanimous consent, offered at this time the following resolution:

Be it Resolved by the Senate of Texas, the House of Representatives concurring, That the Governor be and he is hereby requested to return Senate Bill 69 to the Senate for further consideration; and be it further

Resolved, That the Speaker of the House and the President of the Senate be and they are each hereby authorized to erase their names from said bill.

The resolution was read; and on motion of Senator Van Zandt and by unanimous consent, it was considered at this time and was adopted.

Senate Concurrent Resolution 21

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended, to take up for consideration at this time the following resolution:

Resolved by the Senate and House of Representatives concurring, That the State Board of Control be authorized to enter into a contract for a period of time not longer than to September 1, 1941, with the San Jacinto Museum of History, giving the care, custody, and control of the San Jacinto Memorial Tower to the San Jacinto Museum of History to be maintained in good order by it without charge to the State of Texas, and requiring it to make no charge to the public for entering said building or museum, and, be it further

Resolved, That said contract provide for the San Jacinto Museum of History, subject to the approval of the Board of Control, selling souvenirs and operating a concession in or about said building, and for making a reasonable charge approved by the Board for the use of the elevator to the observation floor. The moneys so collected to be used to defray the expenses of operating the elevator, paying janitors and watchmen, and for other maintenance costs of the building, and to pay such premiums for public liability insurance as may be needed.

The President laid the resolution before the Senate, and it was adopted.

House Bill 92 on Final Passage

The President laid before the Senate, on its final passage (the bill having been read third time on Friday, March 17, 1939, and the main question on the passage of the bill having been ordered on that day):

H. B. No. 92, A bill to be entitled "An Act amending Article 2618 of the Revised Civil Statutes of 1925, changing the status of John Tarleton Agricultural College from a Junior College to a standard four-year college, and providing for a course of study for said College; and amending Article 2620 of the Revised Civil Statutes of 1925, changing the name of North Texas Junior Agricultural, Mechanical and Industrial College at Arlington to the name of North Texas Agricultural College, and placing said school under the Board of Directors of the Agricultural and Mechanical College of Texas; and amending Article 2621 of the Revised Civil Statutes of 1925, changing the status of said junior college to a standard four-year college, and providing for a course of study for the same; and expressly repealing Articles 2622 and 2623 of the Revised Civil Statutes of 1925, and declaring an emergency."

Question—Shall the bill be passed?

Senator Hardin moved to reconsider the vote by which the main question on the passage of the bill was ordered.

Yeas and nays were demanded, and the motion to reconsider was lost by the following vote:

Yeas—13

Aikin	Moffett
Beck	Pace
Cotten	Roberts
Hardin	Shivers
Hill	Stone
Lanning	of Washington
Metcalf	Weinert

Nays—16

Brownlee	Nelson
Burns	Small
Collie	Spears
Graves	Stone
Head	of Galveston
Isbell	Sulak
Kelley	Van Zandt
Martin	Winfield
Moore	

Absent

Lemens Redditt

Yeas and nays were demanded on the passage of the bill.

The bill was passed by the following vote:

Yeas—16

Brownlee	Martin
Burns	Moore
Collie	Nelson
Cotten	Spears
Graves	Stone
Hardin	of Galveston
Head	Sulak
Kelley	Winfield
Lemens	

Nays—13

Aikin	Pace
Beck	Roberts
Hill	Shivers
Isbell	Small
Lanning	Stone
Metcalf	of Washington
Moffett	Weinert

Absent

Redditt Van Zandt

On motion of Senator Head, and by unanimous consent, the caption of H. B. No. 92 was ordered amended to conform to the body of the bill as amended by the Senate.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 24, Requesting the Governor to return Senate Bill 69 to the Senate for further consideration.

The House has concurred in Senate Amendments to H. B. No. 266 by a viva voce vote.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Bill and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bill and resolutions:

H. B. No. 368, "An Act creating a Special Road Law for Robertson County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 1, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict and declaring an emergency."

H. C. R. No. 62, Recalling House Bill No. 379 from the Governor.

H. C. R. No. 63, Expressing sympathy to the family of J. J. Olsen.

H. C. R. No. 64, Naming Miss Eugenia Morse, official Duchess of the Legislature in the Court of King Cotton.

S. C. R. No. 24, Recalling S. B. No. 69 from the Governor.

Report of Standing Committee

Senator Van Zandt, by unanimous consent, submitted at this time the following report of the Committee on Civil Jurisprudence:

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 599, by Clark. A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of Stephens County, Texas, and to conform the jurisdiction of the District Courts of such County to such change; to preserve the jurisdiction and power of the County Court of Stephens County, Texas, over cer-

tain final judgments rendered prior to the passage of this Act; to require the County Clerk of such County to transmit all papers in pending civil and criminal cases to the District Court of said County; and to continue in effect the filing date of papers previously filed in the County Court in said pending cases; to fix fees that the District Clerk of such County will be authorized to charge in connection with filing of papers so transmitted to him; to provide for the County Attorney of Stephens County, Texas, to represent the State in misdemeanor cases in the District Court; and declaring an emergency."

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that it do pass and be not printed.

VAN ZANDT, Chairman.

Adjournment

Senator Roberts moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 4:10 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX**Reports of Committees on Engrossed and Enrolled Bills**

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 21 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
March 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, our Committee on Engrossed Bills, have had S. B. No. 9 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
March 21, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We ,our Committee on En-
grossed Bills, have had S. B. No. 325
carefully examined, c o m p a r e d and
read, and find same correctly en-
grossed.

LANNING, Chairman.

Austin, Texas,
March 22, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. C. R. No. 24
carefully examined, c o m p a r e d and
read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

In Memory of Hon. J. J. Olsen

The following resolution, received from the House today was laid before the Senate and read:

H. C. R. No. 63, In memory of Hon J. J. Olsen.

Whereas, On Saturday, March 18, Hon. J. J. Olsen of Lavaca County was called by his Maker from this vale of tears to the halls of eternal life; and

Whereas, Our distinguished departed colleague served his community, his State, the Nation that he loved; and

Whereas, He was ever a model and a loving husband, father and grandfather; and

Whereas, He was loyal to his friends and steadfast in his fight for the betterment of humanity; and

Whereas, He was deeply respected and loved by all those who knew him and with whom he came in contact and especially by his fellow Members of the House of Representatives; and

Whereas, His principles and philosophy may be summed up in his love for his God, for his family and for his Country; and

Whereas, Texas will miss him because of the great service that he has rendered; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Legislature of Texas deeply appreciates the qualities of his good life and greatly regrets his passing into another sphere; be it further

Resolved, That the Legislature of Texas express its sympathy and regret to his beloved widow, Mrs. J. J. Olsen of Yoakum, Texas, to his children, to his grandchildren and other relatives; be it further.

Resolved, That the Chief Clerk of the House of Representatives be directed to send copies of this resolution to the members of the bereaved family; and, be it further

Resolved, That a copy of this resolution be spread upon the Journals of the House and of the Senate and that when the Senate and the House adjourn today they do so in respect to his memory.

Senator Sulak moved that the resolution be adopted.

The resolution was adopted unanimously.